

August 24, 2018

Dear [REDACTED]

I am writing to follow up the conclusion of Equal Opportunity's investigation (EO Report # 18-05) regarding an incident on September 28, 2017. A meeting was scheduled for August 15, 2018 to review the findings of fact in the Equal Opportunity Report, provide you an opportunity to be heard, provide relevant information, and learn about the student conduct process. You did not attend this meeting. I also met with the Complainant, [REDACTED] who shared in a victim impact statement that this incident changed her life including gravely impacting her mental and physical health.

As the respondent, you have the right to be informed of the outcome of the University's student conduct process. As the conduct officer assigned to this case, I have carefully reviewed the Equal Opportunity Report and I am finding you in violation of the Student Conduct Code.

The EO report concluded that:

" . . . findings establish it is more likely than not the alleged behaviors in Allegations A, B, and C occurred. These behaviors have impacted negatively on the Complainant, causing her to experience panic attacks and interfering with her educational experiences at Western. As such, these behaviors constitute sex discrimination in the form of sexual assault . . ."

The allegations that EO determined more likely than not occurred are:

1. That while engaging in oral sex with the Respondent, the Complainant withdrew consent by:
 1. Resisting the Respondent who pulled the Complainant from a sitting position down toward his penis by grabbing the Complainant's neck near her shoulders and forcing her head toward him and forcing her mouth on his penis.
 2. That the Respondent did this in spite of the Complainant telling him "No" and trying to pull her head away.
2. That the Complainant tried to resist by repeatedly saying "No" and by pulling away again and the Respondent, again, grabbed the Complainant's neck near her shoulders and forced her head toward his genital area, forcing her mouth on his penis. Every time the Complainant tried to pull away back to a sitting position, she was only able to pull away marginally (less than a 45 degree angle), as the Respondent was applying force to her neck. This repeated at least three times total.
3. That the Complainant stood up and said, "No. Stop. No more." Then, the Complainant bent over onto her bed, put her face in the pillow, and was crying when the Respondent came up behind her, grinded against her backside with his exposed penis, and repeatedly tried to pull the Complainant's shorts down.

The behaviors in the allegation above describe a lack of consent and use of force to engage in a nonconsensual sexual activity which constitutes Sexual Misconduct. This behavior also describe a physical assault and sexual violence including sexual assault that constitutes Conduct that harms or threatens health or safety.

Based on these findings of Equal Opportunity's investigation (EO Report # 18-05), I have concluded that you were responsible for violating the following section(s) of the Code:

Sexual misconduct [WAC 516-21-180]

Conduct that harms or threatens health or safety [WAC 516-21-060]

As such, I am imposing the following sanction:

Expulsion from the University

You are expelled from Western Washington University and are trespassed from all areas of Western's campus. You are not eligible for readmission to the university. A hold is being placed on your student account to prevent future registration. Should you need to come to campus for any reason, you must first contact University Police at (360) 650-3555. Failure to do so may result in a citation by University Police for criminal trespass. While your expulsion is permanent, your trespass from campus will last seven years due to Western's record retention policy.

You have certain rights in the conduct process, including the right to request an appeal of these findings by an appeals board, as described in WAC 516-21-280 and WAC 516-21-290. The request for appeal must be submitted in writing to the dean of students, at deanofstudents@wwu.edu, within ten business days of this decision, making the final day you can request an appeal September 10, 2018 by 5 pm. If there is no request for an appeal received by the dean of students within ten business days, this decision is considered final.

All policies, and the Code, as well as your rights under the Code, including your right to request an appeal, can be found linked from here: <https://wp.wwu.edu/officeofstudentlife/reporting-a-concern-making-a-complaint/>.

Specifically, you may wish to review the following sections:

Student Rights in the Conduct Process [516-21-250]

Basis for Appeal [561-21-280]

Appeal Procedures [516-21-290]

The student who made the complaint has the right to be informed of the outcome of the University's student conduct process and will receive notification of this outcome.

If you have any questions about the student conduct process or if the Office of Student Life can provide any additional resources please contact us at (360) 650-3706.

Best,

Jessica J. Stillwell
Case Manager/Conduct Officer
360 650-3706
jessica.stillwell@wwu.edu